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In re Application of: YANOVSKY, Eli :  
U.S. Application No.: 10/520,274 :  
PCT No.: PCT/IL02/00571 :  
International Filing Date: 16 July 2002 : DECISION ON PETITION  
Priority Date: None :  
Attorney's Docket No.: 29238 :  
For: SECURE COMMUNICATION SYSTEM AND :  
METHOD USING SHARED RANDOM :  
SOURCE FOR THE KEY CHANGING :

This decision is issued in response to the "Request To Withdraw Holding Of Abandonment" filed 28 September 2005, treated herein under 37 CFR 1.181. No petition fee is required.

### **BACKGROUND**

On 16 July 2002, applicant filed international application PCT/IL02/00571, which claimed a priority date of 17 July 2001 and which designated the United States. On 30 January 2003, a copy of the international application was communicated to the United States Patent And Trademark Office (USPTO) by the International Bureau (IB).

The original deadline for payment of the basic national fee was thirty months from the priority date, i.e., 17 January 2004. Prior to expiration of this deadline, on 01 January 2004, the priority claim was withdrawn. Accordingly, the deadline for submission of the basic national fee was extended to thirty months from the international filing date, i.e., 18 January 2005 (17 January 2005 was a federal holiday in the United States).

On 18 January 2005, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a copy of the international application, and an executed declaration.

On 19 August 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to provide a copy of the international application within thirty months of the priority date (the priority date listed on the Form PCT/DO/EO/909 was 17 July 2001, the original priority date that was subsequently withdrawn).

On 28 September 2005, applicant filed the petition considered herein. The petition requests withdrawal of the holding of abandonment, stating that a copy of the international application was filed prior to the expiration of thirty months from the priority date.

### DISCUSSION

As noted above, a copy of international application PCT/IL02/00571 was communicated to the USPTO by the IB on 30 January 2003, upon publication of the international application. This is prior to the expiration of thirty months from the international filing date, i.e., 18 January 2005.

Accordingly, the Notification Of Abandonment (Form PCT/DO/EO/909) mailed 19 August 2005, based as it was on applicant's purported failure to provide a copy of the international application before the expiration of thirty months from the priority date (in this case, the international filing date), is appropriately withdrawn.

### CONCLUSION

Applicant's petition to withdraw the holding of abandonment is **GRANTED**.

The Notification Of Abandonment (Form PCT/DO/EO/909) mailed 19 August 2005 is hereby **VACATED**.

The application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing. The date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) is 18 January 2005.



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